G. R. S. 58]

Previous references.

File No. 571-13

1913.

(Muzrai)

Serial Nos. 1-4

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1-4

Part B for Sept. 15

SUBJECT.

Appeal petn of Bommegowda of Byaladakere, Channarayapatna Taluk.

G. O. No. 697—Muz. 571-13-4, dated 3rd Sept. 1915

Archakship.

Passes orders on the — of Beere Devaru temple in Byaladakere village in the Channarayapatna Taluk which is a non-Muzrai institution.

G.R.S 14] 1913.

GENERAL AND REVENUE SECRETARIAT.

(Mulnai)

NOTES.

File No. 577-13

FILE HEADING.

Archakship of Beere Devaru Temple at Byaladakere Village in the Chamarajapatna Taluk

From

Bomme Gowda And Others. thro. their Atty.

~~No.~~ Petition Dated 30.4.1914 Received

Diary No. 2057 | Enclos. 3 | Spare Copies. — | Serial No. 1

BRIEF ABSTRACT OF LETTER.

Appeals against the Dy. Commrs. order directing the restoration of the respdts Nanja to the Archak's post in question, and pray for an ad-interim order directing the stay of the execution of the Dy. Commrs. order pending

NOTES AND ORDERS.

disposal of their present appeal.

The order appealed against is dated 18th november 1913 - The appellants applied for a copy of it on 20th Feby. 1914 and got it on 30th march 1914 In para 20 of the appeal

(Vide copy filed with the appeal petition)

NOTES—First Sheet.

GPB—35 000—15-6-12

Serial No.

petition, the apltrs pray that any delay in filing this appeal may be graciously Condoned.

The temple of Beere Devaru in Question is said to be a non-hereditary institution. One Javara was the Pujari, and after his death, his son Nanja (respt before Govt.) had been performing Puja The ~~villagers~~ appellants say that the right of management vests in them, and removed Nanja from the office as he is said to have Committed some irregularities in Connection with temple jewels etc, and appointed another Pujari of the Kamma Caste in his place. Nanja having applied to the local authorities, the Dy. Commr has passed the order appealed against the Dy. Commr's order says that the temple in Question is a non-hereditary institution, that Kurubars are its chief devotees, that the Patel of the village had no right to remove the respt on his authority, and appoint another of Kamma Caste in his place. He has ordered that the Patel should be warned, and the Kurubar Community may be allowed to appoint a Pujari of their Caste Against this

NOTE—Contn. sheet.

GPB—10,000—7 1 13

(G R. S. 12]

General and Revenue Secretariat.

File No. 5[illegible] of 1913

Serial No.

order, Bourne Gowda and others have appealed to Govt - they contend among other things, that the temple is not a muzrai instn, that they have the right of management, that the Patel removed the respts not in his capacity as a public servant, but as a trustee their representative - they pray that the order appealed against may be cancelled, and that a stay order may be issued to the Dy. Commr,

Submtd for orders

BL 1157 30.5.1914

It does not seem necessary that a stay of order should be granted. The case is one relating to a non-muzrai institution and there is nothing to show that the instn is mismanaged or is otherwise in a condition necessitating Govt interference according to the muz: Regns. As the Dy Comr & Assistant have interfered and decided the case, a report with records may, if approved, be called for. Draft calling for report with records is submitted.

BL 30/5/14

~~Mr Bourne Gowda~~

Mr Bourne

~~Thomas~~

Please put up allowing Regns

NOTE—Contn. sheet.

GPB—0000—7 11 1

(G. R. S. 12]

General and Revenue Secretariat.

File No. 571 of 1912.

Serial No.

Has Dy C= exclusive jurisdiction in such matters?

10/6/14

There are I believe rulings of the Ch. Ct laying down that the Civil Cts have no jurisdiction. Please put up.

11/6/14

A printed copy of Muz. Regn is put up.

(a printed copy is put up) & also recorded Collection of Muz. 7. 387-08

In G.O. no. 825 – Muz. 387-08-14 Dy 29th September 1910, it has been ordered that the dispute about the Pujari office of a non-Muzrai institn cannot be determined in the Muz. ~~inam~~ Deptt.

Both the Law books refd to by the Govt.

11/10/14

Mysore Law Reports (Vol. XVIII) at page 1, and Mysore Chief Court Reports (Vol. III) at pages 133-138 containing the chief court rulings are herewith submitted.

Submd - for orders.

27.7.14

NOTE—Contn. sheet.

G. R. S. 12]

General and Revenue Secretariat.

File No. 571 of 1913.

Serial No.

Subd to 1st Memdm

The institution is not Mugrai within the meaning of S 2 of the Mugrai Regulation. According to the Full Bench Decision reported at pp 1576 of Mysore Law Reports Vol X VIII, the Civil Courts jurisdiction for adjudicating of Rajani rights is barred. Under Ss 35 & 36 of Mug. Regn Mugrai Officers have been empowered to entertain certain classes of cases relating to Rajani rights in non-Mugrai institutions

Under the circular order of the Chief Commr of 1884 the Revenue Officers appear to have acted rightly in taking cognizance. The appeal may therefore be entertained and records called for.

From the averments made in the appeal petition it is seen that the hominee of the village (appellants) has been peaceably in possession for more than three years. The order of the Civil Court directing the ploughing arrangement may be ordered to be kept in abeyance pending the disposal of this appeal

29 7.

NOTE—Contn. sheet

Contd on next page

GPB—10,000—13-6-14

Serial No.

An extract from the Chief Commr's order of 1854 is also put up & the original appeal in Kesavan Vs Lingappa the order of 1854 and the Chief Court's Full Bench decision do not appear to have been considered in

Muz. 387-08

When the order of 1910 was passed, I lost sight of the HB case of the Ch. Ct in which both of the Judges held that all cases of Payari rights were outside the jurisdiction of the Civil Courts. This decision was lost sight of when the Mukk. Reg's was passed The present dispute however is not affected by the Mukk Reg's which came into effect only from 1 Jan. 1914.

Even now, I am not disposed to agree with the ~~fron-ton~~ contention that Civil Cts have no jurisdiction & that

NOTE—Contn. sheet

GPB—10,000—13-6-14

Serial No.

Mun. Offrs have jurisdiction in case of temples which are not Mun. insts as defined in the Mun. Regns. In the FB case, the temple in question had an inam granted by Govt, and was therefore a Mun. Inst n. I cannot therefore hold that that decision is an authority on this point.

The Mun. Regns has reproduced the matter of the Ch. Cs Circular and made it more definite. We need not go further, and to remove all doubts, the Circulars of the Ch Cs may be repealed by an amending Regn. The Leg Dept may be asked to submit a draft.

As for this case, though the Mun Dept has no jurisdiction to try the question

NOTE—Contn sheet

GPB—10,000—13-6 14

G. R. S. 12]

General and Revenue Secretariat.

File No. 571 of 1913.

Serial No.

of right, the order passed may be regarded as Cancellation of the action taken by the Patel who is a Rev. Dept. subordinate Offr.

The Patel may be asked to appear before me. All the records of the case (Taluk Amin's duty shd be obtained.

6/8/14

Call for all the records after case. Also issue notice to Leg. Dept. for watching the matter and advising Govt.

8/8/14

Submitted with a Dft. docket calling for a report with records.

10-8-1914.

Agd

12.8.14.

2. To D. C. Hassan No. 4566 dt 17th August 1914

NOTE—Contn. sheet.

GPB—10,000—13-6-14

G. R. S. 12]

General and Revenue Secretariat.

File No. 571 of 1913.

Serial No.

Forwards for a detailed report together with all the records of the case Petn of Bommegowda and others re erection of Beere Devaru temple at Byalakere

This file may now be sent to the Legislative Branch for noting the orders of the first member on page 6 above & returning early.

28.10.14

To Branch III

8/12/14

Yes
8.12.14

Jomis 25514.

The first members orders on page 7 have been noted. As this file will be required for reference in connection with the draft amendment to be prepared up this file may be again sent to Branch III after this the present case is disposed of.

18/12/14

To Branch VII

TE—Contn. sheet

GPR—10,000-13-6-14

R. S. 12]

General and Revenue Secretariat.

File No. 571 of 191 3

Serial No. 3

From, the Dy. Commr., Hassan Dt.

Letter no. 154/5 dt 13-4-1914.

Submits the report with the record on the appeal petition of Bomma Gowda and others.

The Dy. Commr's report explains the facts of the case in detail.

As directed by the 1st member on page 8 of the Office-note, the case will be posted for hearing with the next batch of cases.

Submitted for orders

MM(115) 1-2-1915 2-2-15

Submitted with Office notice to 2nd March 15.

MM(115) 16-2-1915.

89 16/2

Subd & 1st member

It is admitted by the appellants themselves that the temple had enjoyed a land grant originally and that it was resumed by Govt in 1882 during the management of Revenue Officers and it is

NOTE—Contn. sheet.

GPB—25,000—2-11-11

Serial No.

reported that even now it is in the possession of the Archik. Even though it is no longer a Mugrai institution in the strict technical sense, its original character may be taken as evidence of the fact that it is a public institution in the conduct of which all the devotees are interested whether or not residents of the village. In the case of a dispute as regards the affairs of such an institution the Govt. cannot well decline to take some action. In recognition of this broad principle action was taken in the past as regards the management of certain non-Mugrai temples. The case may be different in the case of private institutions in the management of which disputes may arise between private individuals. Whether or not an institution is public must have to be decided in the particular circumstances of each case. If the institution is public, the Govt. had always an inherent right to decide disputes and this cannot be said

NOTE—Contn. sheet.

GPB -25 000-2 11-14

General and Revenue Secretariat. | File No. 5491 of 1913.

Serial No.

to have been taken away by the Mysore Regn which deals only with certain matters concerning Mysore institutions. In passing it might be noted that S 35 is only contemplating action in respect of.

As a matter of policy it seems to be expedient to retain some control over this class of public institutions as otherwise it would sometimes happen that it will be open to the Rajah to resign the Inam and convert ~~this~~ even the Mysore institutions into Inam property so as to have a free hand in this matter.

Apart from the above there seems to be no doubt that the Patel Bommegowda wrongly acted in his capacity as Patel vide his petitions dated 26 Feb 1909 and 2nd March 1909 and his contention that he was acting merely as a devasthanam is therefore untenable. The only way out is to view in revising the Patel's action particularly as he proceeded on enquiring that the Inam was for

NOTE—Contn. sheet.

GPB—25,000—2 11-11

R. S. 12]

General and Revenue Secretariat.

File No. 541 of 1913.

Serial No.

a Kuruba woke the Puja and the Patel had appointed a Kuruba.

The one justification for the removal of Ningu is the Patel's allegation that he had misappropriated some of the jewels. On this point there has been no enquiry and no information, the whole question turning upon the bare issue whether the Pujari should be a Kuruba or not. A lot of evidence has been taken and the reports from the amildars of the surrounding talukas of Hassan, Krishnarajpet and Arsikere show clearly that Biredevaru is usually worshipped by Kuruba Pujaris. In the present case it is clear that Ningu and his family were the Pujaris for a long time past. On this point also the action of the Patel is not justifiable. In the absence of clear evidence to the contrary the Pujaship must have been confined to the Kuruba.

The Patel having taken the law into his hands and having wilfully acted in the matter in his capacity as Govt. Servant even

NOTE—Contn. sheet.

GPB—25 000—2 11-11

General and Revenue Secretariat.

File No. 511 of 1912.

Serial No.

if the Govt. should decline to take any action in the case of such institutions, Respt. appears to have a claim to ~~his status~~ the institutions other than which he held in respect of the temple prior to Patel's interference.

Lea

vs.

Mr. L. Srinivasaiya appeared on behalf of Mr. Venkatachar for appt. and applied for an adjt. to which the case was adjd. to 15th April.

Lea

3.3.15

Mr. Venkatachar heard for appellants.

The respondent (Vinga) has not appeared.

Jurisdiction? Shd. status quo be maintained? If so, is Pujari or villagers to be in possn?

Villagers still in possn. Dy. Cr's order being stayed.

Mr. Venkr. contends that there is only the Pujari's family there as Kuruba & that all others are other castes & are devotees to the Temple.

Order to be ready

15/4/15

NOTE—Contn. sheet.

GPB—25 000—2 11 14

R S 12]

General and Revenue Secretariat | File No. 571 of 1913.

Serial No.

Order.

The Temple being a Hindu religious institution, the Patel had no authority to interfere to oust the Pujari from it. The Dy Co's order is therefore right & the appeal is dismissed.

9/8/15

Submit with a Dft.

Draft appd. by First member 31 8 15

1/9/15

NOTE—Contn. sheet

GPB—05 000—2 11 14

R. S. 12]

General and Revenue Secretariat

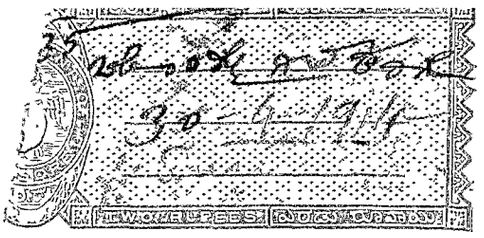
File No. 571 of 1913.

Serial No.	
4	No: 697 dt 3-9-15 - to Dr. Hassan Baqir of the FO forwarding the Memorial of the Persian Students in the finding of the £2 in the Right.
3	

NOTE—Contn sheet.

GPB—25,000—22-3 15

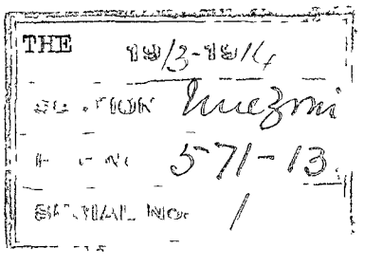
VII
1/5



M
(H.R.S. 10)

DIARY No. 205/

BEFORE THE GOVERNMENT OF HIS IGHNESS THE MAHARAJA OF MYSORE, MUZRAI DEPT.



Appeal No. of 1913-14.

1. Bomme Gowda, Patel of Byaladakere Village, Bagur Hobli, Chennarayapatna Taluk.
2. Bomme Gowda son of Kenche Gowda.
3. Mari Gowda son of Bore Gowda.
4. Bomme Gowda son of Mari Gowda, all inhabitants of the said village.

} Appellants.

-vs-

Nanja son of Javara of Byaladaker - village. } Resoondent.

The appellants abovenamed beg to prefer this appeal to the Government against the order of the Deputy Commissioner of Hassan in Muzarai Order No.210 dated 20-11-13 confirming the order of the Amildar of Channarayapatna in No.101 dated 23-11-11 on the following among other grounds and in the following circumstances:-

1. In the village of Byaladakere there is a temple dedicated to the God of 'Beere Devaru' among whose devotees there are Gangadikars, Bedigars, Kumbars, Madivalas, Kurubars and members of other castes or sects of that village and of the neighbourhood.

2. The said temple has been in existence for over 50 years having been originally built by the inhabitants of Byaladakere.

3. The temple had till about the time of the Survey and Settlement of 1882 been a Muzrai Institution with an Inam land attached thereto in the enjoyment of the respondent's father Javara who had been appointed as Poojari of the temple by the inhabitants of the village.

4. But at the time of Survey and Settlement - the said Temple was declared not to be a Muzrai Institution, the Inam land was resumed by Government and the maintenance of the Poojari and the current expenses of the temple undertaken thenceforth by the inhabitants of the village in whose favour the then Pujari Javara (respondent's father) executed a Stamp Paper - Karar dated 12-4-1882 (herewith filed) acknowledging that he held his office permissively under the said inhabitants of the village by whom he was to be supported thence forward. Accordingly the villagers of -- Byaladakere have been meeting the temple expenses and the maintenance of the Poojari by subscriptions among themselves.

5. The only Kurubar family in the village was that of the Poojari and the other families belonged to various other sects or communities.

6. The temple and the management thereof never belonged to any particular community or class of people but vested in the body of people living in the village of Byaladakere (consisting as above said of the members of several sects or communities) and were never claimed either by the respondent or the Kurubar Community of the neighbourhood.

7. The appellants and their co-villagers had

unquestioned exercise of their right of management of the temple affairs for over 40 years. They rebuilt the temple at considerable cost in 1897 as will be clear - from a perusal of the stamp paper document dated 25-1-97 by Contractor Lakke Gowda in their favour.

8. About 6 years ago when the respondent was called to account by the villagers (his employers) for some irregularities committed by him in the matter of the jewels belonging to the idol which he had unauthorizedly pledged and of which he committed other acts of spoliation and was dismissed from his office, the respondent for the first time questioned the appellants' right and then set up his right, a right which he alleged he derived from the Kurubar community of the village of 'Kadambige' belonging to a different -- taluk altogether, viz, Krishnarajapet and with whom he had marriage connections.

9. The appellants and their co-villagers appointed one Nanja (of the Thammadi or Sthanik caste) in the place of the respondent.

10. As a matter of fact as has been already said there is no Kurubar Community in the village of Byaladakere which has only one Kurubar family and that of the -- Poojari. Nor has the Kurubar Community of Kadambige or any other place any sort of right or claim to or in the temple or its management or concemm in its affairs generally beyond the right to worship the deity, which every devotee of the temple and idol has. They were never in exercise or enjoyment of such right or management or control and in fact -- never before laid any claim thereto.

11. As soon as the respondent was removed from the office and Nanja nominated in his place, the respondent -

began to harass the appellants and the other villagers in Criminal Courts. But in Criminal Case No.74 of 1908-1909 on the file of the General Assistant Commissioner and First Class Magistrate, Hassan District the respondent and others (who were accused in the case) of an offence - under Section 455 I.P.C.) were discharged on the finding that the respondent (Complainant) had failed to make out his right to the temple.

12. Though after the order in the Criminal Court it was manifestly the duty of the respondent to have established his right in a competent Court, he lay low for 3 years after the termination of the Criminal Case and applied to the Amildar of Chennarayapatna Taluk (apparently on the Muzrai side) to have him reinstated in the office of Poojari. The Amildar referred the matter to the Shaikdar who took down statements of the parties and others and sent them up to the Amildar who thereupon -- ordered that the respondent should be reinstated in the office. On appeal by the appellants before the Deputy Commissioner of Hassan, the Deputy Commissioner confirmed the order of the Amildar without properly and independently appreciating the contentions of the appellants.

13. Hence this appeal. Both the Amildar and Deputy Commissioner, while they say that the temple in question is not a Muzrai Institution, still interfered in the matter apparently on the Muzrai side and practically have overruled the action taken deliberately by the villagers of Byaladakere who are the founders, endowers and managers of the temple which is admittedly a private and not a - Muzrai Institution.

14. Further they have clearly misunderstood the source of authority under which the poojari was removed from the

office. It was not the Patel as Patel and by virtue of his authority as such that removed the poojari from the office for misconduct. If that was so, it would be unjustifiable regard being had to the fact that the temple in question is not a Muzrai Institution. But he did so as a leading member and spokesman of the community of the village, who were the real custodians of the powers of management including the right to appoint and remove poojaries. Hence strictly speaking, it was the village community or the body of the inhabitants of the village that in exercise of their powers of management removed the respondent and appointed Nanja in his place. This most -- obvious and vital aspect of the question has been ignored by the authorities below whose orders have been vitiated in consequence.

15. The authorities below have incorrectly held that the temple belongs to the Kurubar Community though there is no Kurubar Community in Byaladakere where the temple is -- situate and though the Kurubars of 'Kadambige' on whose initiative and with whose support the respondent has been invoking the authorities have and can have no manner of right of management in the temple.

16. Strictly speaking the authorities below had no jurisdiction to adjudicate on this matter on their own - showing that the temple is not a Muzrai Institution, especially as the respondent after he came out unsuccessful in the Criminal litigation failed to invoke the jurisdiction of a competent Civil Court. Hence the authorities should have referred the respondent to a Civil Court for redress and remedy.

17. But inasmuch as the authorities below have taken it on themselves to pass orders in the matter prejudically

affecting the appellants and others, the appellants have to come up to this Honourable Court to have the orders set aside and the parties put to their original position before the orders were passed.

18. For these and other reasons the appellants pray that the entire records in the matter may be graciously sent for and the orders in question be set -- aside and the resoondent be referred to a Civil Court if he be so advised.

19. The appellants further pray that pending the termination of this appeal, the respondent may be restrained by means of a prohibitory order from disturbing the present arrangements and executing the orders of - the Deputy Commissioner and Amildar.

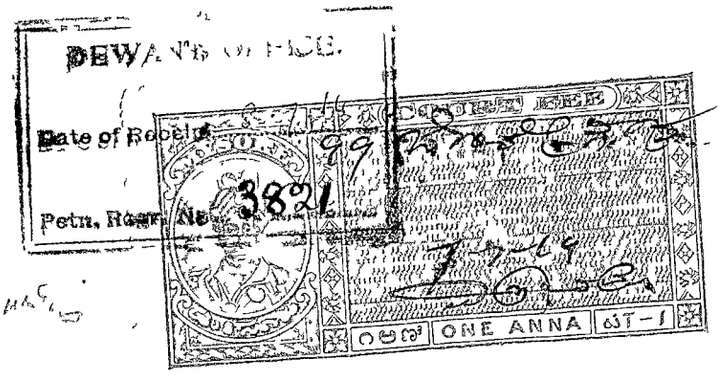
20. As this is a matter affecting the rights of the entire body of inhabitants of the village, and they have to act in concernt in this matter and the obtaining of copies also took some time, the appellants pray that any delay in filing this appeal may be graciously condoned.

30-4-14

The connected file (No 571-13) was returned by 1st member for notices on 30/7/14 - the petition will be filed in the file of the appeal when it comes in

6/8/1914

aV



24.6

14 15

Before the Government of
His Highness the Maharaja of Mysore

Bangalore

Appeal No. of 1913-14

Doonne Gowda & others. } Appellants and Petitioners.

Vs.

Ninja - - - - Respondent

The appellants beg to submit —

(1) An appeal was filed by the petitioners hereof on 30-4-14 to the Honourable Court against the order of the Deputy Commissioner of Hassan in Miscellaneous order No 210 dated 20-11-13 appointing the respondent as Poojari of the "Beera Devaru" temple of the village of Byalada Kere, Belur Taluk

(2) The appellants prayed inter-alia that pending disposal of the appeal, the

the execution of the order of the Deputy Commissioner confirming that of the Civil Court may be stayed.

(3) From a perusal of the orders of the officers below under appeal and the grounds of appeal, it will be seen that the officers below have, while admitting that the institution in question is not a Dharmaraja institution, still assumed a jurisdiction to interfere in the affairs of the village community who have nominated one Nanja as Poojari of the temple in the place of the respondent which they had a perfect right to do as the original builders and endowers of the temple in management and possession thereof and erroneously looked upon the action of the Patel who as the spokesman of the village community and not as Patel brought about the removal of the respondent from Office as the action of the Patel in his capacity as Patel, and liable consequently to be interfered with by the authorities. Other grounds have been set forth in extenso in the memo of appeal

(4) In the meanwhile the appellants are being pressed hard by the authorities and coercive measures are to be adopted to compell the appellants to hand over possession to the respondent. If before the appeal is decided the appellants possession is disturbed, it will cause them substantial injury and disgrace, as their right to possession and management had never before been disturbed or questioned.

(5) Hence this reminder petition praying that the orders of the officer below may be restrained from being executed pending disposal of the above appeal.

Bangalore.
7-7-14.

Appellant.

L. Sreenivasiengar
AND
V. Venkatachar, B.A., B.L.,
ADVOCATES,
LAKSHMI STHANAM,

KASIVISWESWAR TEMPLE

Bangalore City 11 5 1914

No. 238

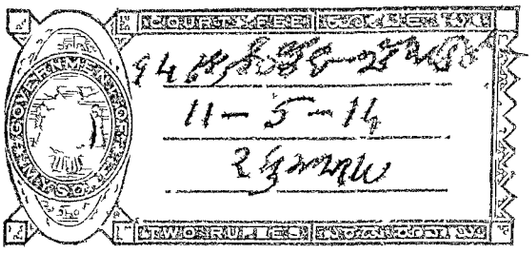
To
The Huzur Secretary
to the Govt. of H H the Maharaja
of Mysore Bangalore.

Sir
Herewith I send the vakalat-
executed in my favour by Patel
Cheluvaraja s/o Doddi
Gowda of Byaladakeri in
Channapatna with the appeal petition
sent herein by registered post. on or
about the 30th of last month. Please
be so good as to file the same with
the record.

Yours truly
Venkatachar.

DIARY No. 2168

19/3-1914
SECTION Huzur
FILE No.
SERIAL No.



Before the Govt. of H. the Maharaja of Mysore Bangalore ಕೋರ್ಟಿಗೆ.

1913–4 ನೆ appeal ನಂಬರು.

ಸಾದಾ appellant ಪ್ರತಿವಾದಿ. Respt

B Munivenkatappa & Ors VS. Ankaiya

L. SREENIVASIE,
Sriharsha Sri
ASIVISVESWARA DEVASTANAM LANE, BANGALORE CITY
ಮ|| ರಾ||..... ....ಯವರಿಗೆ

My appellants ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ್‌ನಾಮಾ.

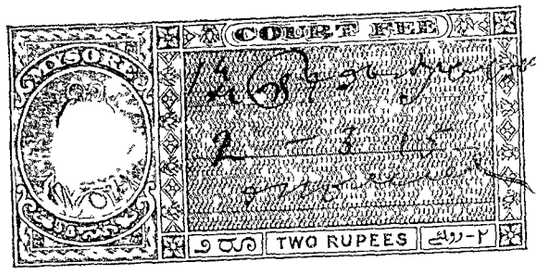
ಈ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ತಾವು ನನ್ನ ಪರವಾಗಿ ಆಪೈರುವರಿಗೂ ಕೋರ್ಟಿನಲ್ಲಿ ಏವಾದ ಜರಗಿಸಲಿಕ್ಕೂ, ನನ್ನ ಪರ ಆಗುವ ಎಲ್ಲಾ ವಿಧವಾದ ಆರ್ಡರನ್ನೂ ಡಿಕ್ರಿಯನ್ನೂ ಜಾರಿಕ್ರಮ ನಡಿಸಿ ಹಣ ವಸೂಲುಮಾಡಿಕೊಳ್ಳುವುದಕ್ಕೂ, ನನಗೆ ಕೋರ್ಟಿನಿಂದ ಸಲ್ಲಬೇಕಾಗಿ.ವ ಡಿಕ್ರಿ ಮೊಬಲಗು ಏಲ್ಲು ಮೊಒಲಗು ಸಹಾ ಪಡಿಯಲಿಕ್ಕೂ, ನನಗಾಗಿ ರೀಪಂಡ್ ಆಗತಕ್ಕ ಸ್ಟಾಂಪನ್ನು ಪಡಿಯಲಿಕ್ಕೂ, ದಸ್ತೈವಜು ವಗೈರೆಗಳನ್ನು ವಾಪಸುಪಡಿಯಲಿಕ್ಕೂ ಸಹ ತಮಗೆ ಈ ಮೂಲಕ ಸಂಪೂರ್ಣ ಅಧಿಕಾರ ಕೊಟ್ಟಿಧೇನೆ. ಅಲ್ಲದೆ ತಾವಾಗಲಿ ಯಾ ತಮಗೋಸ್ಕರ ಮತ್ಯಾವ ಲಾಯರಾಗಲಿ ಡಿಟೊ ಮೊಖದ್ದಮೆಯಲ್ಲಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪಿಕ್ಕೊಳ್ಳಲು ಬದ್ಧನಾಗಿ ಇಧೇನೆ.

ತಾರೀಖು ೨೦–೪–೧೯೧೪ ರುಜು.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಕೊಟ್ಟವರು ನನಿಗೆ ಪರಿಜಯ) ಸ್ತರಾಗಿ ನನ್ನ ಸಮಕ್ಷಮ ರುಜು ಮಾಡಿರುತ್ತಾರೆ.

ಈ ಮೊಖ್ತ್ಯಾರುನಾಮಾ ಅಂಗೀಕರಿಸಿಧೇನೆ.
D. Krishnaiengar
Vakeel for petnr 11-5-14

ಸಹಿ ರಲ್ಲಿ) ದೊರೆಯುತ್ತೆ



the Government of His
Highness the Maharaja of Mysore, Durbar Deft.

Appeal ~~CASE~~ No. OF 1913—1914.

Appellants~~Plaintiff~~ Vs *Respondent ~~Defendant.~~*

1. Bommegowda
2. Bomegowda.
3. Mari Gowda
4. Bomme Gowda

} Vs.

Naiju

1. The.....Appellants..... ... above named do, by these presents retain Messrs. L. Sreenivasiengar and V. Venkatachar, B. A., B. L., Advocates to appear and conduct the above case on.....~~their~~.....behalf to Judgement.

2. Further empower them to execute any decree or order that may be passed in.....~~their~~.....behalf, and to receive from Court such sums of money as ...~~they~~...may be entitled to get and to grant receipts therefor.

3. Also undertake to confirm and ratify all the legal acts done by the said Advocates in so doing.

Accepted

Sreenivasiengar
Venkatachar
2/8/15

ADVOCATES FOR ~~plaintiff~~ appellants

Signed before me and personally known to me.

Venkatachar

ADVOCATES.

E Calls for reply with records

G. R. S. 26]

File No. 571/13

Serial No. 7

12/8

Diary No. of letter replied to 1451

No. 1560

General and Revenue Secretariat

( )

, the *191* .

To

The Dy Commr

Hassan Distt

Date of issue 17. 8. 914

Signed by [illegible]

Has the honor to forward herewith for favor of a detailed report together with all the records of the case, petition regd no 2051 Dy 30th April 1914 together with its 3 encls from Bommu Gowda and others appealing against the Dy. Commrs. order directing the restoration

over.

SUBJECT.

of the respondent Naija
to the Archak's post of
Beere Devaru Temple at
Byladakere village in the
Chamarajapatna Taluk.

By order,

12/8/11

C/s. order

for Secretary

10/8/11

List of enclosures.

Copied by

Examined by

GPB—25,000—8 8 11.

GPB—100,000—29 7-14

809

14 15

Mur2

1914-15.

From

P.R.M. Wetherall Esquire,

Deputy Commissioner,

Hassan District.

To

D.M.Narsinga Rao Esquire,B.A.B.L.,
Offg.Secretary to the Government of
His Highness the Maharaja of Mysore
General and Revenue Departments,
(Mulgi Branch)
Bangalore.

Dated 12th
Despatched 13th } November 1914.

Received

General No 154
No. 8

Enclosure No. In duplicate (with map)

SUBJECT.

Submitting a report with the connected records on the petn of Bommegowda and others of Bozaladakere village in the Channarayapatna Taluk regarding the enchiskits of Veeredevaru temple in the village.

1914-15.

Deputy Commissioner's Office,

Hassan District,

Dated Hassan the 12th.November 1914.

Frpm,

P.R.W.wetherall Esquire,

Deputy Commissioner,

Hassan District.

To,

D.M.Narsinga Rao Esquire,B.A.B.L.,

Offg.Secretary to the Government of

His Highness the Maharaja of Mysore,

General and Revenue Departments,

(Muzrai Branch)

Bangalore.

Sir,

With reference to your docket No.400/Muz.371-13-2 -- dated the 17th.August 1914,forwarding for report with the -- connected records the petition of Bommegowda and others of - Byaladakere village in the Chennarayapatna Taluk,appealing against my orders regarding the Archik ship of Beeredevaru temple in the village,I have the honor to state that on receipt of a report dated 24th.February 1909 from Bommegowda,Patel of the village complaining against one Ninga Archik of the said temple that the latter misappropriated the jewels of the deity the Amildar of the Chennerayapatna Taluk issued summonses both to the Patel and Pujari Ninga to appear before him to give their statemerts.

2. On 8th.October 1910,some of the Kuruba devotees of Beere devaru living in Kaydambige,Gadenahalli,Konaju and other villages of the Krishnarajapet Taluk,petitioned the Amildar of the Chennarayapatna Taluk,complaining that Patel Bomme Gowda exceeded his bounds of duty in turning out of service the permanent Pujari a and appointing in his place a Thammadi " a man of different ey stated in the said petition that Beeredevaru was the deity of the Kuruba caste alone,and that till the case osed off,his brother Hucha might be alloved to

to perform the puja of that deity. Thereupon the Amildar issued notices to these petitioners to appear before him for recording their statements.

3. Patel Bommegowda in his deposition dated 3rd. December 1910 stated that he did not dismiss the Pujari Ninga but that when Ninga who had misappropriated the temple jewels was being --- questioned left the puja service, and that the Government -- right appoint any Kuruba Archik to the temple; that the Inam land endowed to the temple having been resumed to Government on account of the arrears of revenue due thereon, the villagers were giving grains annually to the Pujari etc.,

4. The villagers of the Bayaladakere in their statement dated the 5th. March 1911 before the Amildar, stated that any -- person other than Ninga, his brother Hutcha and his sister-in-l Malli, mighibe temporarily put in charge of the temple duties.

5. Beregowda, Meriyanna, and others of Kadambagé and other villages of the Krishnarajpet Taluk in their statements before the Amildar of Chennarayapatna Taluk, deposed to the effect that Patel Bommegowda being a Gangadikar Vakkaliga by caste and no reason to remove Ninga the present Pujari and a Kuruba by caste from Archik-ship and appoint in his place another person of a different caste, and requested that Hutcha brother of the suspend-ed Pujari might be allowed to do the worship till the case of misappropriation was disposed of.

6.. References having beenmade to the Taluks of Hassan, Arsikere, Krishnarajpet etc., with a view to ascertain particulars as to the community from which persons were generally selected for the Archik-ship in Beeredevaru temples, replies were received to the effect that none but Kurubas conducted the worship.

7. After other necessary enquiries the Amildar of Chennaraya patna Taluk observed that the temple being a Non-Muzrai institu institution the Patel's act to appoint a pujari without any -- authority from the Taluk was high handed and unauthorised, and ordered that pending the enquiry of the case against Ninga, ~~Hutch~~ Hutcha, his brother, should be appointed to do the temple duties.

8. Against this order Patel Bommegowda and others petitioned this Office on the 9th. November 1911, requesting that the same should be held in abeyance pending disposal of their petition. This petition was forwarded to the Arilder for report with the records.

9. On a perusal of the records received from the taluk I observed that the temple was a Non-Muzrai Institution in as much as it had neither Inam lands nor Cash Grants, that Patel Bommégowda was at fault in appointing a Thammadi for the archik-ship of this temple which had chiefly Kuruba devotees and thereby causing caste dissensions, and ordered that, as it had been settled by Government that Government Servants need not interfere in the matter of appointing archiks in Non-Muzrai temples, the Patel should be warned against a repetition of similar acts, and that the devotees of this temple were competent to appoint any archik they liked.

10. It is against this order that Patel Bommégowda and others have now preferred an appeal to Government.

11. The file of vernacular papers ending with the Chennarayapatna Taluk Amildar's report No. 23 dated the 13th. September 1914 and the appeal petition with its three enclosures are herewith submitted for reference.

I have the honor to be,

Sir,

Your most obedient servant,

H. W. Wetherall

Deputy Commissioner,

Hassan District.

H.R.K.

(G)

Before the Government of His Highness the Maharaja of Mysore.

Appeal No. of

Appellant. *Vs.* Respondent.

Patel Bommegowda + Certain others of Byladakere Village, Bagur Hobli, Chamaraja-patna Taluk. Subject.

Pujari Linga.

Archakship of Beere Devaru temple in Byladakere village, Chamaraja-nagapatna Taluk.

Facts of the case.

The temple of Beere Devaru in Byladakere village is a non-Mazrai institution and the respondent Linga, a Kuruba by caste was the Pujari of the temple.

On the score that the Res was suspected of having misappropri-ated certain jewels of the temple in

GPB—500—12-8-13

his possession the appellant Bomme Gowda who is also the Patel of the village removed the former from his office on his own authority and appointed in his place another person a Thammadi by Caste.

When the question came up finally before the Deputy Commr for orders it was observed that the temples of Beere Devaru have usually Kurubar Pujaris, as their devotees are chiefly Kurubars and that a Thammadi by caste was not a suitable person for that office and that in any case the Patel in his official capacity had no right to interfere in the management of a non-Muzrai institution. While warning the appellant Bommegowda against further unwarranted interference, the Dy Commr directed that the devotees of the temple were competent to appoint any archak they liked.

Against the foregoing order Patel Bomme Gowda and others appealed to Govt.

Decision

was heard on 15th

G.R.S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

of April 1915, the appellants being represented by their Advocate Mr. Venkatachar, and the respondent being absent.

The temple being a non-Muzrai institution, the Patel had no authority to interfere to oust the Pujari from it. The Dy Commr's order is therefore right and the appeal is accordingly dismissed.

Memo No. 697 in file of Dy Comr S-71-13-2

Copy forwarded to the Dy Commr, Hassan Dt, returning the records received with his letter No. 154 of 13. 11. 1914.

By order,
ha
27/8
For Secretary

1st member's orders

Print
84
27.8.15

31/8/15

84
27.8.15

Rev Dept to

No. 697—Muz. 571-13-4, dated 3rd September 1915.

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

Appellant.	*vs.*	Respondent.
Patel Bommegowda and certain others of Byaladakere village, Bagur hobli, Channarayapatna Taluk.		*Pujari Linga.*

Subject.

Archakship of Beere Devaru temple in Byaladakere village, Channarayapatna Taluk.

Facts of the case.

The temple of Beere Devaru in Byaladakere village is a non-Muzrai institution and the respondent Linga, a Kuruba by caste, was the pujari of the temple.

On the score that the respondent was suspected of having misappropriated certain jewels of the temple in his possession, the appellant Bomme Gowda, who is also the patel of the village, removed the former from his office on his own authority and appointed in his place another person a Thamnadi by caste.

When the question came up finally before the Deputy Commissioner for orders it was observed that the temples of Beere Devaru have usually Kurubar pujaris, as the devotees are chiefly Kurubars and that a Thammadi by caste was not a suitable person for that office and that in any case the patel in his official capacity had no right to interfere in the management of a non-Muzrai institution. While warning the appellant Bommegowda against further unwarranted interference, the Deputy Commissioner directed that the devotees of the temple were competent to appoint any archak they liked.

Against the foregoing order Patel Bomme Gowda and others have appealed to Government.

Decision.

The case was heard on 15th of April 1915, the appellants being represented by their Advocate Mr. Venkatachar, and the respondent being absent.

The temple being a non-Muzrai institution, the patel had no authority to interfere to oust the pujari from it. The Deputy Commissioner's order is therefore right and the appeal is accordingly dismissed.

Memo No. 697—Muz. 571-13-4, dated 3rd September 1915.

Copy of the above is forwarded to the Deputy Commissioner, Hassan District, returning the records received with his letter No. 154, dated 13th November 1914.

By Order,
V. R. THYAGARAJA IYER,
Secy. to Govt., Rev. Dept.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 697—Muz. 571-13-4, dated 3rd Sept. 1915

Archakship

Passes orders on the — of Beere Devaru temple in Byaladakere village in the nnarayapatna Taluk which is a non-Muzrai institution.

W. D. 552- GPB -9-9-15—250